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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,541

07/16/2004

Helmut Kahl

KAHL6

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT

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3633

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,541	Applicant(s) KAHL, HELMUT	
	Examiner Jeanette E. Chapman	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/1/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahl (6459718)(PCT Publication date May 25,2000) in view of Dohery et al (6658808). Kahl discloses protective wall for shielding against laser beams. The protective wall contains light alloy shaped sections, W1-W6; S1-S2, which are rectangular and incorporated chambers formed by interior walls W3 and W4 and profiling formed on S1 and S2. The light alloy shaped sections are lined up and connected side wall to side wall in an individual removable mater to form wall shown in figure 4 but not in such a way that the profiling on a side of the wall is implemented steplike from a front wall to a back wall. Dohery et al discloses a building module which may be constructed of a lightweight aluminum. The module includes sections are lined up and connected side wall to side wall in an individual removable manner to form wall shown in figure 5 in such a way that the profiling on a side of the wall is implemented steplike from a front wall to a back wall. The profiling on the side walls by hook shaped sections 28/32 matching parallel in each case to wall grooves, see figure 3, into which the projections engage.

Kahl shows undercut grooves disposed centrally on the side wall and their widths are suitable for multilayered laser protective wall plates K. The undercut grooves

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N on the front extend closely adjacent to those on the sides and they receive projections F, DF.

Kahl shows that the undercut grooves on the. The rear grooves on the front are implemented on the corner shaped sections T1 and T3 and its angled front areas each have width across the corner that corresponds to the base width front of adjoining sections have a center distance that corresponds to a base width.

The base width has been considered a matter of choice dependent on the dimensions of the building into which the wall is incorporated.

The finishing plates are held by spring elements F1, F2 formed integrally with the plates. The finishing plates K have a profiling on the front.

The finishing plates K extend from one of the sections to the adjoining sections. See figure 4. The plates or sections are extruded from light alloy and provided with an anodized or chromate coating.

Claims 2-4, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahl (6459718)(PCT Publication date May 25,2000) in view of Dohery et al (6658808) and further in view of Kinsey (3562992). The strip projections 32 and the grooves are implemented laterally off set relative to one another in a step like manner but not so that individual section front projections are located alternatively closer to one another than those on the back and vice versa. Kinsey shows connecting or interlocking building module where the projections and the grooves are implemented laterally off set relative to one another in a step like manner so that individual section front projections 29/16, on front side 13 are located alternatively closer to one another than those on the

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back 29/16 on back side 14 and vice versa. The projections that are spaced further apart extend flush into the front or back wall and are hook shaped and the more closely spaced projections are extensions of the side wall or are formed integral with the side wall as hook shaped projections. Further the more closely space projections end recessed relative to the front or the back wall so that the flush front or back wall is created in each case. See figure 7.

It would have been obvious to employ the projections and grooves of Kinsey to construct and easy to assemble structure.

Kinsey shows a corner shaped section 10c having a rectangular front and back wall and side walls are positioned at a right angle to each other;

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahl (6459718)(PCT Publication date May 25,2000) in view of Dohery et al (6658808) and further in view of Davis (6295783). Kahl lacks shaped sections having different widths 2x4 and 4x4 each of which are whole number multiples of one base 10A. It would have been obvious to include the different width sections in order to fashion a greater number of wall dimensions as shown by Davis. The wall thickness has been considered a matter of choice. One of ordinary skill in the art would have appreciated making the thickness of any known dimensions accommodating the wall sections use and function

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHILCOT RICHARD can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633
